

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Daniel E. Hall, Plaintiff,
v.
Twitter Inc., Defendant.

Case No. 1:20-cv-536-SE

PLAINTIFF'S MOTION FOR HEARING REGARDING JUDICIAL NOTICE

Pursuant to Fed. R. of Evid. 201(e), and in connection with his Motion to Take Judicial Notice, Daniel E. Hall, "Plaintiff" hereby move that this Court schedule a hearing on the propriety of taking judicial notice and the nature of the facts to be noticed.

LEGAL ARGUMENT

1. For the reasons set forth in Plaintiff's Motion for Judicial Notice filed on November 29, 2022, and because judicial notice is mandatory pursuant to Federal Rule of Evidence 201(c)(2), as the facts offered for notice satisfy the indisputability requirements of Rule 201(b) in that they are generally known within this Court's territory and jurisdiction, and can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned, Plaintiff requests a hearing on the matter.
2. Subdivision (e). Basic considerations of procedural fairness demand an opportunity to be heard on the propriety of taking judicial notice and the tenor of the matter noticed. The rule requires the granting of that opportunity upon request. No formal scheme of giving notice is provided. An adversely affected party may learn in advance that judicial notice is in contemplation, either by virtue of being served with a copy of a request by another party under subdivision (d) that judicial notice be taken, or through an advance indication by the judge. Or he may have no advance notice at all. The likelihood of the latter is enhanced by the frequent failure to recognize judicial notice as such. And in

the absence of advance notice, a request made after the fact could not in fairness be considered untimely. See the provision for hearing on timely request in the Administrative Procedure Act, 5 U.S.C. §556(e). See also Revised Model State Administrative Procedure Act (1961), 9C U.L.A. §10(4) (Supp. 1967).

3. Consent for this motion sought and no response was forthcoming.

4. Plaintiff does not file a memorandum of law herewith as all authority in support of this motion is cited herein.

Respectfully,

/s/ Daniel E. Hall
Aka, Sensa Verogna
SensaVerogna@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November 2022, the foregoing document was made upon the Defendant, through its attorneys of record to Jonathan M. Eck jeck@orr-reno.com and Julie E. Schwartz, Esq., JSchwartz@perkinscoie.com and Indraneel Sur, Lead Attorney. U.S. DOJ, indraneel.sur@usdoj.gov